

### **REMARKS**

Claims 1-10 are now pending in the application. Paragraph [0036] of the application and claims 1, 6, 7, 10 have been amended. Support for the foregoing amendments made in paragraph [0036] may be found in paragraph [0032] of the application. Support for the amendments in claims 1 and 7 may be found in paragraph [0036]. Support for the amendments in claims 6 and 10 may be respectively found in claims 6 and 10 of the prior version. The Examiner is respectfully requested to reconsider the patentability of the application in view of the amendments and remarks contained herein.

### **INTERVIEW SUMMARY**

Applicant would like to thank the Examiner for courtesy extended during the telephonic interview on June 24, 2009. During the interview, Applicant's representative and Examiner Brian P. Yenke discussed the claims and the cited art. The Examiner indicated that if the claims are amended as shown below, the claims would likely overcome the outstanding rejections.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mortensen et al. (U.S. Pat. No. 5,563,804) in view of Dyer (U.S. Pat. No. 6,903,779), and further in view of Plog (U.S. Pat. No. 6,414,724). This rejection is respectfully traversed.

After carefully reviewing all the contents in Dyer describing Figure 5, Applicant submits that Dyer at best shows that in existing television systems, the closed caption data is displayed in a smaller region 18 within a larger region 16 where the video is displayed. That is, the region which is adopted for displaying the closed caption data is smaller than that for displaying the video. However, since the television screen is relatively large, viewer may still easily interpret the displayed closed caption from the television screen.

Furthermore, the first two sentences in the last paragraph in Column 6 of Dyer read that, "Turning to FIG.6, the present invention provides an additional advantage, in that it delivers closed caption data to a closed caption region 18 that is specifically configured for a media player, rather than a television system. As shown, a media player often includes a video region 16 that is relatively small compared to that of a television screen (FIG.5)."

The above contents at best shows that the video region 16 in a media player is relatively small compared to that of a television screen. Consequently, persons having ordinary skill in the art would appreciate that if the closed caption region 18 is still located in the video region 16 as depicted in FIG. 5, viewer may have difficulties in interpreting the displayed closed caption in the media player.

Further, the third sentence in the last paragraph in Column 6 of Dyer reads that, "However, the closed caption region 18 of the player is typically relatively large, and often lies outside of video region 16[.]" In other words, Dyer appears to aim to solve the above-mentioned problem (i.e., viewer may have difficulties in interpreting the displayed closed caption) by putting the closed caption region 18 outside of video region 16.

From the above analysis regarding Figures 5 and 6 in Dyer, persons having ordinary skill in the art would appreciate that Dyer at best shows separating the closed caption data from the video, and then displaying the separated closed caption data in a larger region which often lies out of the video region. In other words, the closed caption data and the video in Dyer can be separated.

In contrast, claim 1 recites "overlaying the caption image on a digital service image to obtain the mingled image, encoding the mingled image, and transmitting an encoded mingled image from the local side to the remote side." In other words, at first the caption image is overlaid to a digital service image; pixels of the caption are written into corresponding pixels of the digital service image. Thus, after the overlaying, no matter whether or not the encoding or decoding is performed, the digital service image and the caption typically would not be separated again, because the corresponding pixels of the digital service image, where the pixels of the caption are overlaid, have already been changed and would not be restored to the pixels of the digital service image as before overlaying.

In other words, after performing the above processes mentioned in claim 1, the caption image would not be separated from the digital service image because both of them are mingled in an image.

Further, Dyer is also silent about the features of "transmitting an encoded mingled image from the local side to the remote side[.]"

Therefore, Applicant respectfully submits that Dyer fails to teach or suggest the above distinguishing features of claim 1. Further, Applicant submits that Plog fails to cure the deficiencies of Dyer, because Plog appears silent about the above

distinguishing features of claim 1. Thus, claim 1 and its dependent claims 2-6 define over the art cited by the Examiner.

Claim 7 recites features similar to the above distinguishing features of claim 1. Thus, claim 7 and its dependent claims 8-10 define over the art cited by the Examiner.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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